

# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** PLANNING COMMISSION

**SUBJECT:** SEE BELOW

**DATE:** March 10, 2005

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**COUNCIL DISTRICT:** Citywide

**SUBJECT: APPROVAL OF AN ORDINANCE AMENDING CHAPTER 20.100 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO PROVIDE FOR AN EXCEPTION FOR CITY LANDMARK AND/OR HISTORIC DISTRICT HOMES AND TO PROVIDE FOR A SIMPLIFIED AND COST EFFECTIVE (CATEGORY 1) SINGLE FAMILY HOUSE PERMIT PROCESS FOR HOMES LISTED IN THE HISTORIC RESOURCES INVENTORY**

## RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council approve the proposed ordinance amending Chapter 20.100 (Single Family House Permit) of Title 20 of the Municipal Code to provide an exception for City Landmark and/or Historic District homes and to provide a simplified and cost effective Category 1 Single Family House Permit for homes listed in the Historic Resources Inventory where proposed work is in conformance with approved design guidelines and with a Floor Area Ratio equal to or less than forty-five hundredths (0.45).

## BACKGROUND

On March 9, 2005 the Planning Commission held a public hearing to consider the proposed ordinance amending Chapter 20.100 (Single Family House Permit) of Title 20 of the Municipal Code. The purpose of the ordinance is to deal with the design review of certain historic houses in a more simplified and efficient manner. The Director of Planning recommended approval of the proposed ordinance. There was no public comment in support of or in opposition to the proposed changes.

## PUBLIC OUTREACH

The Historic Landmarks Commission discussed the creation of a reduced Category 1 SFH permit fee for homes listed on the Historic Resources Inventory that are not City Landmarks or located in a City Landmark District, with a floor area ratio equal to or less than 0.45 at their February 2, 2005 regular meeting. On February 8, 2005, a public hearing notice for the Planning Commission and City Council meetings was sent to the San Jose Post Record for publishing in the February

HONORABLE MAYOR AND CITY COUNCIL

March 10, 2005

Subject: (Cat 1) Single Family House Fees

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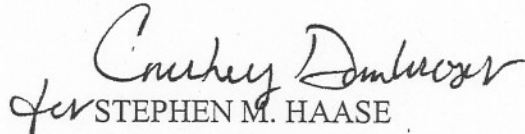
11, 2005 edition. As standard practice, Historic Landmarks Commission, Planning Commission and City Council staff reports as well as the hearing dates are posted on the City and Department's website. Planning staff has also notified representatives of the City's existing Conservation Areas and the Hensley Historic District Association.

### COORDINATION

This memo has been coordinated with the City Attorney's Office.

### CEQA

Exempt, File No. PP05-002.

  
for STEPHEN M. HAASE  
Secretary, Planning Commission

# Memorandum

**TO: PLANNING COMMISSION**

**FROM:** Courtney Damkroger

**SUBJECT: SEE BELOW**

**DATE:** March 2, 2005

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Approved

Date

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**COUNCIL DISTRICT:** Citywide

**SUBJECT: APPROVAL OF AN ORDINANCE AMENDING CHAPTER 20.100 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO PROVIDE FOR AN EXCEPTION FOR CITY LANDMARK AND/OR HISTORIC DISTRICT HOMES AND TO PROVIDE FOR A SIMPLIFIED AND COST EFFECTIVE CATEGORY 1 SINGLE FAMILY HOUSE PERMIT PROCESS FOR HOMES LISTED IN THE HISTORIC RESOURCES INVENTORY**

## **RECOMMENDATION**

Planning staff recommends that the Planning Commission recommend that the City Council approve the proposed ordinance amending Chapter 20.100 (Single Family House Permit) of Title 20 of the Municipal Code to provide an exception for City Landmark and/or Historic District homes and to provide a simplified and cost effective Category 1 Single Family House Permit for homes listed in the Historic Resources Inventory where proposed work is in conformance with approved design guidelines and with a Floor Area Ratio equal to or less than forty-five hundredths (0.45).

## **BACKGROUND**

### ***Single Family House Permit***

The City Council approved the Single Family House (SFH) Permit process to promote orderly development and to enhance the character, stability, integrity and appearance of single-family neighborhoods. The SFH Permit is obtained from the Director of Planning and includes an administrative Category 1 permit for lesser projects (those with a lower Floor Area Ratio and fewer exterior alterations) and a Category 2 permit for larger projects, which are subject to a public hearing.

Currently, alterations to homes listed in the Historic Resources Inventory (including single family homes that are City Landmarks and those within City Landmark Historic Districts and Conservation Areas) requiring the issuance of a building permit also require a SFH Permit to help protect historic character.

### ***Historic Preservation Permit***

Under the Historic Preservation Ordinance, Chapter 13.48 of the Municipal Code, all homes designated as City Landmarks or located within designated City Landmark Historic Districts must obtain a Historic Preservation (HP) permit for proposed exterior work. Historic Preservation (HP) Permits are subject to a public hearing before both the Historic Landmarks Commission and the Director of Planning. The Landmarks Commission makes recommendations on the permit to the Director of Planning who approves, approves with conditions or denies the permit. Because the preservation of City Landmarks is of citywide concern, Director decisions on HP Permits are appealable to the City Council.

Two recent revisions to the Historic Preservation Ordinance have streamlined the HP Permit process. The HP Permit Amendment process now allows an owner with an approved Historic Preservation Permit to file an Amendment for revisions in keeping with approved design guidelines. In addition, the HP Permit Adjustment process allows an owner to extend an approved HP Permit, or to adjust a HP Permit for minor work to the building or site where the work is in keeping with approved design guidelines and does not affect or degrade the character or significance of the property, even if no prior approved HP Permit exists.

### ***San Jose International Airport's Acoustical Treatment Program***

The Norman Y. Mineta San Jose International Airport's Acoustical Treatment (ACT) program was created to reduce interior noise levels from aircraft departures and arrivals at the Airport to a Community Neighborhood Equivalent Level (CNEL) of 45 decibels, so as to comply with California State noise standards. Noise reduction is accomplished through modification, reconditioning, replacement or installation of acoustical windows and doors, weather stripping, attic insulation, gable end vents, air conditioning and electrical upgrades resulting from the mechanical work. Under the ACT Program the San Jose International Airport will modify approximately 1,500 homes, including 21 homes listed in the Historic Resources Inventory scheduled for modification in 2005 and 2006. The ACT program administrators have raised concerns about the length of time and the fees for simple Administrative Category 1 SFH Permits required for these modifications which this proposed ordinance change addresses.

### **ANALYSIS**

In an effort to provide for more effective review of historic home rehabilitation projects, the Planning Division is proposing to amend the Zoning Ordinance to provide an exception for City Landmark and/or Historic District homes and a simplified Category 1 Single Family House Permit for homes listed in the Historic Resources Inventory that comply with approved design guidelines (*Your Old House: A Guide for Preserving San Jose Homes*) and maintain a Floor Area Ratio equal to or less than forty-five hundredths (0.45).

### ***Single Family House Permit Exceptions***

The language in Section 20.100.1030.A. would be revised to more simply state that no SFH Permit is required if the issuance of building permits will result in a single family house with a Floor Area Ratio equal to or less than .45, for a site that is not listed in the San Jose Historic Resources Inventory. In addition, language will be added to allow exterior maintenance work on



a home listed in the Historic Resources Inventory that is not a City Landmark or listed in a City Landmark Historic District for work limited to the repair of existing building materials with like materials of the same size, shape, pattern and substance without a SFH Permit.

The language in Chapter 20.100.1030.B. would be revised to state that no SFH Permit is required for City Landmark and/or homes listed in a City Landmark Historic District. Currently, owners of City Landmark homes and/or those listed in a City Landmark Historic District are required to obtain both a Historic Preservation Permit and a SFH Permit for proposed exterior alterations. All work performed on such homes is governed by the provisions of Chapter 13.48 Part 3 of Title 13 of the Code that requires issuance of a Historic Preservation Permit. In addition, language will be added to clarify that no Single Family House Permit shall approve work performed on a City Landmark and/or Historic District house.

*Historic Landmarks Commission Comments on the Proposed Ordinance Changes*

The Historic Landmarks Commission expressed concern at the February 2, 2005 meeting that the SFH Permit process may address issues that may not be adequately addressed by the single HP Permit process, such as changes in massing to an existing building. Staff stated that alterations reviewed and approved through the HP Permit process are subject to a higher level of design review than those under the SFH Permit process. According to the Historic Preservation Ordinance, HP Permits are not only reviewed in accordance with approved design guidelines and standards, but are also subject to noticing requirements and a public hearing before the Landmarks Commission and the Director of Planning.

*Minor Modifications to Historic Resources Inventory Houses*

The language in Chapter 20.100.1040.A. would be revised to state that minor modifications involving incidental enlargement, reconstruction, replacement, repair, remodeling, rehabilitation, restoration and/or exterior alteration of a home listed in the Historic Resources Inventory, in compliance with applicable design guidelines that does not affect the historic significance or character, use, intensity, architectural style, circulation or other site function of the property are subject to an Administrative Category 1 SFH Permit. Examples of projects that may be administratively approved through a SFH Permit include the replacement of damaged architectural elements such as a window or porch. The fee schedule is proposed to be amended to provide a reduced fee in line with the staff time necessary to review these projects. Owners of homes listed in the Historic Resources Inventory, including those participating in San Jose International Airport's ACT program, making minor changes that are in keeping with approved design guidelines would obtain approvals more quickly and cost effectively. In a situation where Planning staff does not believe that a project complies with the design guidelines and cannot support the proposal, the owner may still pursue a (Category 2) SFH Permit with a public hearing before the Director of Planning.

Homeowners of projects that will result in a home listed in the HRI with a FAR greater than 0.45 but equal to or less than 0.65 where certain thresholds – such as retention of at least fifty percent (50%) of the exterior walls, or the addition of a second story that is less than sixty percent (60%)

of the existing first floor area, and conformance with the design guidelines – are met may pursue a Category 1 permit at the regular (rather than the reduced) fee. If the thresholds are not met, owners may apply for a Category 2 permit.

The intent of each of the proposed revisions is to provide an incentive to preservation by streamlining the permit process for applications that conform to the City Council approved design guidelines, *Your Old House: Guide for Preserving San Jose Homes*. The following chart outlines various permitting scenarios for homes listed in the Historic Resources Inventory and City Landmark homes or homes located in City Landmark Historic Districts:

HRI	CL/CL HD	Alter per design guidelines	Minor repair per design guidelines	0.45 FAR or greater	HP Permit /AD	Cat I SFH Permit	Cat II SFH Permit
x	x		x		x		
x	x	x			x		
x	x	x		x	x		
x			x				
x		x				x	
x		x		x		x (< 0.65 FAR)	x (> 0.65 FAR)
x		Alter, not per guidelines					x

### PUBLIC OUTREACH


On February 8, 2005, a public hearing notice for the Planning Commission and City Council meetings was sent to the San Jose Post Record for publishing in the February 11, 2005 edition. As standard practice, Historic Landmarks Commission, Planning Commission and City Council staff reports as well as the hearing dates are posted on the City and Department's website. In addition, Planning Staff notified representatives of the City's existing Conservation Areas and the Hensley Historic District Association of the Historic Landmarks Commission February hearing.

### COORDINATION

Preparation of the proposed ordinance and this memorandum has been coordinated with the City Attorney's Office.

### CEQA

Exempt. Public Project No. PP05-002.

  
COURTNEY DAMKROGER  
Secretary, Historic Landmarks Commission